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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Heather Jansen

Write the full name of each plaintiff.

CV
(Include case number if one has been assigned)

-against-

THE CITY OF NEW YORK, NEW YORK CITY
DEPARTMENT OF EDUCATION, DAVID C. BANKS,
in his official capacity as Chancellor of the New York
City Department of Education, and MARION WILSON,
in her official capacity as Superintendent of District 31
of the New York City Department of Education,

COMPLAINT

Do you want a jury trial?
☒ Yes ☐ No

Write the full name of each defendant. If you need more space, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section II.

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

L. BASIS FOR JURISDICTION

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation, and the amount in controversy is more than \$75,000, is a diversity case. In a diversity case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal-court jurisdiction in your case?

- ☐ **Federal Question**
- ☒ **Diversity of Citizenship**

A. If you checked Federal Question

Which of your federal constitutional or federal statutory rights have been violated?

B. If you checked Diversity of Citizenship

1. Citizenship of the parties

Of what State is each party a citizen?

The plaintiff, Heather Jansen, is a citizen of the State of
(Plaintiff's name)

New Jersey

(State in which the person resides and intends to remain.)

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of

If more than one plaintiff is named in the complaint, attach additional pages providing information for each additional plaintiff.

If the defendant is an individual:

The defendant, _____, is a citizen of the State of
(Defendant's name)

or, if not lawfully admitted for permanent residence in the United States, a citizen or
subject of the foreign state of _____

If the defendant is a corporation:

The defendant, The City of New York, is incorporated under the laws of
the State of New York

and has its principal place of business in the State of New York

or is incorporated under the laws of (foreign state) _____

and has its principal place of business in New York City

If more than one defendant is named in the complaint, attach additional pages providing
information for each additional defendant.

II. PARTIES

A. Plaintiff Information

Provide the following information for each plaintiff named in the complaint. Attach additional
pages if needed.

| | | |
|------------------------|------------------------------|---------------|
| Heather | L. | Jansen |
| First Name | Middle Initial | Last Name |
| 13 Hampton Road | | |
| Street Address | | |
| Monroe Township | NJ | 08831 |
| County, City | State | Zip Code |
| 646-957-1663 | HJansen01@yahoo.com | |
| Telephone Number | Email Address (if available) | |

B. Defendant Information

To the best of your ability, provide addresses where each defendant may be served. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are the same as those listed in the caption. Attach additional pages if needed.

| | |
|--------------|--|
| Defendant 1: | The City of New York <hr/> <div style="display: flex; justify-content: space-between;"> First Name Last Name </div> Corporation's Counsel Office <hr/> Current Job Title (or other identifying information) 100 Church Street <hr/> Current Work Address (or other address where defendant may be served) <div style="display: flex; justify-content: space-between;"> New York NY 10007 </div> <hr/> <div style="display: flex; justify-content: space-between;"> County, City State Zip Code </div> |
| Defendant 2: | <div style="display: flex; justify-content: space-between;"> New York City Department of Education </div> <hr/> <div style="display: flex; justify-content: space-between;"> First Name Last Name </div> Office of the General Council <hr/> Current Job Title (or other identifying information) 52 Chambers Street <hr/> Current Work Address (or other address where defendant may be served) <div style="display: flex; justify-content: space-between;"> New York, NY 10007 </div> <hr/> <div style="display: flex; justify-content: space-between;"> County, City State Zip Code </div> |
| Defendant 3: | <div style="display: flex; justify-content: space-between;"> David Banks </div> <hr/> <div style="display: flex; justify-content: space-between;"> First Name Last Name </div> Chancellor of NYCDOE <hr/> Current Job Title (or other identifying information) 52 Chambers Street <hr/> Current Work Address (or other address where defendant may be served) <div style="display: flex; justify-content: space-between;"> New York NY 10007 </div> <hr/> <div style="display: flex; justify-content: space-between;"> County, City State Zip Code </div> |

| | | | | |
|---------------------|--|--------------|------------------|--------------|
| Defendant 4: | Marion | | Wilson | |
| | First Name | | Last Name | |
| | Superintendent of District 31 | | | |
| | Current Job Title (or other identifying information) | | | |
| | 715 Ocean Terrace; Building A, Room 200 | | | |
| | Current Work Address (or other address where defendant may be served) | | | |
| | Staten Island, | | NY | 10301 |
| | County, City | State | Zip Code | |

III. STATEMENT OF CLAIM

Place(s) of occurrence: The city of New York; School building 31R046; District 31 Office

Date(s) of occurrence: Multiple dates between November 2022 through August 2023.

FACTS:

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and what each defendant personally did or failed to do that harmed you. Attach additional pages if needed.

✦ Please see attached.

INJURIES:

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

I received medication for anxiety, depression, and migraines due to the ongoing harassment. I began FMLA leave on May 1 for this condition.

Additionally, I was in two separate car accidents in which I hit someone from behind; one on November 18, 2022, causing severe bruising to my legs, and again on August 7, 2023. Prior to this I have never been in a car accident. However, due to the intimidation and harassment I've been suffering at work, it's been difficult for me to focus.

IV. RELIEF

State briefly what money damages or other relief you want the court to order.

To be decided by a jury.

Heather L. Jansen v. The City of New York et al,

10/21: During a phone conversation, Superintendent Wilson shared with me how no matter what she does, she can't make the "white" parents at Wagner HS happy (parents were upset about the fights breaking out). She continued on for approximately 20 minutes about how white people always blame black people and don't want to listen to reason. Therefore, because she's black, it doesn't matter what she says to "them" they're going to dislike any solution she presents.

11/10/23: Received 1 day's notice for a principal's observation. Violation of contractual rights. I was also the only principal to receive 1 day's notice. Others received between one week to 50+ days. Written report was a complete fabrication of events; I wrote a rebuttal stating such. Step 1 grievance submitted, no response. Step 3 grievance submitted, no response. Sent to arbitration - awaiting arbitration date.

11/21/23: Superintendent Wilson gave me a directive not to leave my office until further notice. On 01/12/23, during a check-in meeting, I asked my superintendent for permission to leave my office to conduct ADVANCE Teacher Observations. My request was denied. On 2/15/23, the superintendent gave me a negative principal performance rating stating teachers were not being provided sufficient feedback as evidenced by my ADVANCE data. Some of my BIPOC colleagues were not given a directive to not leave their office nor denied the ability to observe teachers, and they still had a lower completion rate than me, yet they did not receive an adverse rating on their performance reviews.

01/12/23: During a check-in meeting, Superintendent Wilson accused me of being vindictive and stated, "You don't trust me, I don't trust you either. There are some things that have happened, and I know you're behind it, but I'm gonna leave it alone." She went on to say, "I know you're from Brooklyn, but I'm from the Bronx, and that's not a threat, I'm just saying." Additionally, after I disagreed with her assessment of my performance and the support she claimed to have provided, Superintendent Wilson said to me, "You could tell your narrative, but trust and believe, this dumb little black girl from the Bronx... I have my log of assistance."

1/12/23: During the check-in meeting, I was handed a typed principal performance review with adverse ratings from the previous school year. This was a blatant violation of my contractual rights and APPR agreement between the Council of School Supervisors and Administrators (CSA) and the NYCDOE, that states "written feedback must be provided within 45 days." Step 1 grievance submitted, no response. Step 3 grievance submitted, no response. Sent to arbitration - awaiting arbitration date.

02/01/23: I received a letter from Superintendent Wilson to attend a disciplinary meeting for not notifying her or her Deputy that I would be out of my building to attend a Principal's Meeting that she, Superintendent Wilson, mandated. I reached out to the principals in my group, and they all informed me that they did not email Superintendent Wilson to let her know they were out of their buildings because it was a principal's meeting, and the Deputy was cc'd on the email communication. None of the principals emailed Superintendent Wilson, but I was the only principal who received a phone call, an email, and a letter to appear for disciplinary action.

02/13/23: Superintendent Wilson threatened to discontinue me from my principal position, claiming that I "made it personal." Superintendent Wilson alleged I manipulated her advice and tried to get her into trouble with her boss (In regards to my claim that she denied me permission

to observe teachers for ADVANCE). She claims I said it out of fear, and if I could manipulate her advice and do that to her, she can only imagine what I do to my teachers.

2/13/23: During her visit to PS 46, Superintendent Wilson orchestrated a meeting involving approximately ten teachers. The stated aim of the meeting was to discuss the activities that take place during teacher team meetings when they analyze student work. She requested the teachers bring their team binders. However, during the meeting, Superintendent Wilson employed tactics to pressure the teachers into sharing negative information about me. She went as far as recounting negative anecdotes about me to put them at ease. When the teachers gave positive feedback, Superintendent Wilson got upset, took out her cell phone, and instructed one of the teachers to read an email out loud to the entire room. It was an email that I wrote under the guidance of DOE Legal, to Superintendent Wilson, requesting to deny probation of a kindergarten teacher, Andrea Perau, due to four substantiated OSI cases for failure to supervise her students.

The teacher did as instructed by the Superintendent and read the email out loud. After the teacher read my email, Superintendent Wilson turned to Ms. Perau insisting she only has a job because of her, the superintendent, then proceeded to tell my staff that they were delusional for trusting me.

Also during this meeting, Superintendent Wilson accused me of making derogatory remarks about the staff, alleging that I called them racist.

2/15/23: Superintendent Wilson gave me a negative principal performance rating for Culture, based on her 2/13/23 visit, claiming the teachers in my building don't trust me and I have not fostered a positive culture within the school. She failed to mention the secret meeting she had with my staff in which she tried to sabotage my relationship with my staff and slander my character.

2/17/23: My union, CSA, filed an Anti-retaliation complaint against Superintendent Wilson on my behalf, citing discrimination, harassment, and abusive treatment. The complaint went unanswered by the NYCDOE and Chancellor Banks.

2/25/23: Superintendent Wilson received accolades at a Black History Month celebration for so many black principals on Staten Island through Superintendent Wilson's and Chancellor Bank's leadership.

3/04/23: The New York Post ran a cover story about Superintendent Wilson and "anti-white texts" linked to her which read, "No more white principals on my watch!" and a "strong black woman runs this bitch now." It continues with a parent commenting how Superintendent Wilson has "spoken openly about seeking to hire more BIPOC to work in Staten Island schools." The article goes on to quote a Brooklyn principal who cited complaints by colleagues, "Many assistant principals and principals have voiced comments made by the District 31 superintendent about hiring only black administrators for vacancies. Many administrators with tenure who live in Staten Island have left for other districts."

3/17/23: Superintendent Wilson, in retaliation of my complaint, emailed me a letter of "Consideration to Discontinue" citing poor performance as the reason. My union stated this was highly unusual being that the school was in an upward trend under my leadership and I don't

have any disciplinary letters in my file. Fifteen of my colleagues are BIPOC. I outperformed my BIPOC colleagues by 47% in ELA and 73% in Math. However, none of them received poor performance reviews or emails threatening to discontinue their service even though two of them are also probationary.

3/20/23: My union, CSA, filed an intent to arbitrate, considering the continued non-responsiveness of NYCDOE and Chancellor Banks to the anti-retaliation complaint lodged on February 17, 2023.

4/07/23: CSA sent a letter to Superintendent Wilson, Chancellor Banks, and Deputy Chancellor Rux, outlining the arbitrary and capricious behavior by Superintendent Wilson as the rationale for why my discontinuation was unjustified. Deputy Chancellor Rux agreed to temporarily hold off on my removal until further review.

4/24/23: I was instructed by Superintendent Wilson to conceal an incident of physical abuse involving a 7-year-old student, K.M., by falsifying NYCDOE documents and unsubstantiating any statements provided by witnesses. I refused to follow this directive and followed proper NYCDOE protocols and procedures.

Superintendent Wilson's intervention was aimed at safeguarding the teacher whose father has political connections, and any disciplinary action against the teacher would potentially create difficulties for the Superintendent in her interactions with higher-ups.

4/27/23: I received a phone call from the Borough Safety Director, instructing me that I was required to call NYPD first thing in the morning, for the incident that occurred on April 24, 2023, with teacher Grace Seddio-DiMaio I emailed DOE Legal, Lisa Becker, and cc'd the Superintendent to inform them of what I was instructed to do.

4/28/23: The Assistant Principal of 31R046 was overheard telling staff members that Superintendent Wilson called the UFT District Representative to warn teacher, Ms. Seddio-DiMaio not to report to work because I was trying to have her arrested. Ms. Seddio-DiMaio called the office at approximately 7:30am to report sick.

4/30/23: I received an email stating I was being reassigned to the District Office; not to return to 31R046. I replied to the email asking what was the reason for the sudden reassignment, but did not receive a response.

5/01/23: Leading up to and following my reassignment, I suffered from panic attacks and mental distress, I filed for FMLA leave and it was granted due to anxiety and depression from May 1, 2023, to June 30, 2023.

5/01/23: The substitute para that witnessed the assault was suspended from the DOE without a reason; The physically assaulted child (bruises on her neck from the incident) was moved to another classroom; I was reassigned without reason. The teacher that committed the assault continued teaching in her classroom.

5/02/23: Superintendent Wilson had the investigation into teacher Grace Seddio-DiMaio recalled by OSI.

5/02/23 – 5/09/23: Families and Staff learn of events with first grader, and of me being removed. Some became upset. They began to email the chancellor and media to remove Superintendent Wilson for the cover up, and to remove the teacher from the classroom.

5/04/23: Superintendent has PS 46 Assistant Principal falsify NYCDOE Documents claiming she, Superintendent Wilson, was not aware of incident with Ms. Seddio-DiMaio until 5/03/23.

5/09/23: Superintendent Wilson holds a meeting with families and staff at PS 46. Tells everyone that she was just made aware of the incident the other day. During a 1:1 with the parent of the physically assaulted child, she told the parent that the "KKK" is after her even though she helps these "white" people in Staten Island. Then told the parent, "'Us People' gotta stick together."

5/10/23: Teacher Grace Seddio-DiMaio temporarily removed from School building. Reassigned to District Office.

5/10/23 – 6/02/23: While on FMLA leave, I was continually harassed by email threats to attend meetings, and the receipt of three disciplinary letters, two of which I later learned OSI closed in December and February respectively. Therefore, 2 of the letters violated my contractual rights. These letters went to a Step 1 grievance, but the grievance went unanswered by Superintendent Wilson. The letters then went to a Step 3 grievance with Chancellor Banks; however, it still went unanswered. I am now awaiting arbitration.

5/12/23: I filed a complaint against Superintendent Wilson with SCI due to discrimination based on race and retaliation, after a text message was shared with me in which Superintendent Wilson states the UFT couldn't get a "No Confidence" vote against me, as well as a message stating "She (Jansen) probably didn't know what hit her when they pulled her white ass out (of the school building on May 1)."

6/02/23: Superintendent Wilson, in retaliation of my complaint to OSI, emailed me a letter (while I was out on FMLA leave) stating I was being discontinued, effective immediately, due to poor performance, as documented by the PPOs (that are still awaiting a date for arbitration because they are in violation of my contractual rights) and the three disciplinary letters that I received in May (that are also still awaiting a date for arbitration due to being in violation of my contractual rights).

Also on 6/02/23, I received a second email from Superintendent Wilson denying my reversion rights, without cause, ultimately reverting me back to a teacher line, rather than an Education Administrator, a coach that supports Principals and works out the District Office on the Superintendent's team.

6/15/23: NYCDOE, through my union, CSA, offered to reinstate me as an Education Administrator if I was willing to drop all of my complaints against Superintendent Wilson. I refused.

V. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I agree to notify the Clerk's Office in writing of any changes to my mailing address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

September 1, 2023

Dated

Heather

L.

Plaintiff's Signature

Jansen

First Name

Middle Initial

Last Name

13 Hampton Road

Street Address

Middlesex, Monroe Township

NJ

08831

County, City

State

Zip Code

646-957-1663

HJansen01@yahoo.com

Telephone Number

Email Address (if available)

I have read the Pro Se (Nonprisoner) Consent to Receive Documents Electronically:

☒ Yes ☐ No

If you do consent to receive documents electronically, submit the completed form with your complaint. If you do not consent, please do not attach the form.